

# Guatemala

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## Freedom of the Press

Guatemalan journalists worked under increasingly dangerous conditions in 2013, prompting concern from international organizations. Frank La Rue, a Guatemalan press advocate as well as the UN Special Rapporteur for Freedom of Expression, denounced the violence as the worst in a decade.

Freedom of expression is guaranteed under Article 35 of the constitution and in general is respected by the government. However, the Guatemalan press is subject to several legal restrictions, including Article 41 of the Radio Communications Law, which prohibits transmissions “offensive to civic values and the national symbols” and programs “contrary to morals and good etiquette.” Libel and defamation remain part of the criminal code, with penalties of up to five years’ imprisonment, and business and political leaders regularly threaten to sue journalists under these provisions. Repeating another person’s defamatory statement is also a crime, with similar penalties. In December 2013 a court also used Guatemala’s crimes-against-women law in an attempt to punish well-known journalist and *el Periódico* newspaper director José Rubén Zamora for criticizing Vice President Ingrid Roxana Baldetti. The year ended with Zamora refusing to pay a fine of 500 quetzales (\$63) under threat of imprisonment.

Guatemala passed an access to information law in 2008, but obtaining information remains difficult in practice, especially for journalists covering corruption in regions outside the capital. Moreover, the law is weakened by a lack of sanctions for noncompliance. The governmental Human Rights Ombudsman’s 2013 annual report described varying rates of compliance by government institutions, with executive agencies and entities located in the capital more likely to deliver information than municipalities and regional agencies.

There is no independent media regulation or licensing body, and the government controls the allocation of airwaves through public auctions that require bidders to meet technical and financial benchmarks. As such, community radio stations are at a particular disadvantage, and are not even recognized as broadcasters under the law. Throughout 2013 community radio stations continued to protest the General Telecommunications Law, which went into effect at the end of 2012. Advocates of community radio stations, which are forced to operate illegally, argue that the law’s perfunctory license renewal process constrains community radio operators from gaining access to broadcast frequencies. In November the Council of Western Maya Peoples reported 315 legal complaints on file against so-called “pirate” radio stations. Community radio organizations also continued—unsuccessfully—to push for approval of a community and indigenous media law, which was guaranteed as part of the 1996 peace accords that ended the Guatemalan civil war.

Attacks on journalists increased in 2013. Four journalists were killed during the year, although the murders could not be definitively linked to their work. In March, Jaime Napoleon Jarquin Duarte, who worked for the newspaper *Nuestro Diario* in the department of Jutiapa, was the victim of a drive-by shooting. No clear motive was established by year’s end. Just weeks later, in April, a second journalist in Jutiapa, the vice president of the Jutiapa Journalists Association, Luis Alberto Lemus Ruano, was killed. In August radio host and journalist Luis de Jesús Lima of the La Sultana radio station was shot to death in the department of Zacapa. Later that month Carlos Alberto Orellana Chávez, a radio and television journalist in the department of Suchitepéquez, was found dead from a gunshot wound after being kidnapped. At year’s end, government investigators continued to examine the killings and determine whether the victims’ status

as journalist played a role.

In May 2013 President Otto Pérez Molina established a prevention-oriented Journalist Protection Program. In an effort to streamline communications with the federal government about their safety, journalists also established the Federation of Departmental Journalists Associations, which will coordinate program implementation with state officials. In addition to prevention, implementation of the plan is aimed at ending impunity and holding perpetrators of attacks against journalists accountable.

Additional violations of freedom of expression were recorded by the Center for Information on Guatemala (CERIGUA), a local press freedom group, which documented at least 54 cases of attacks on the press in 2013; Guatemala's Public Ministry reported receiving more than twice that many complaints by the end of September. Among the more serious episodes, radio and print journalist Freddy Rodas survived a shooting in Suchitepéquez in August. A suspect was arrested, although no motive was offered. Also in August, the home of the head of *elPeriódico*'s investigative unit, Vernick Gudiel, was shot at, though no one was injured. And in November, journalist César Pérez Méndez, director of the newspaper *El Quetzalteco*, which had been investigating local corruption in the city of Quetzaltenango, received telephone and text message death threats. Numerous other journalists reported being assaulted, harassed, or briefly detained. Much of the violence is attributed to criminal gangs and drug traffickers, but journalists also reported threats by public officials. Such crimes, along with continued impunity for their perpetrators, have led to widespread self-censorship. Outlets also face either physical or digital attacks. In April *elPeriódico* was hit by a cyberattack—the sixth the paper had faced since late 2012—after publishing a critical exposé related to corruption scandals surrounding the vice president. Although the government denied any involvement, its editor Zamora noted a correlation between the timing of the attacks and the paper's publication of stories on sensitive topics.

Newspaper ownership is in the hands of business elites who maintain centrist or conservative editorial stances. There are four major daily papers, all privately owned. Broadcast television is concentrated in the hands of Ángel González, a politically connected Mexican entrepreneur who favors conservative perspectives and controls Guatemala's four main private television stations. One state-owned radio station competes with numerous private stations. Some media owners allege that the government allocates advertising unevenly in favor of supportive outlets and that it pressures private companies to pull their advertising from unfriendly media stations. Bribery of journalists remains a concern, and *elPeriódico* editor Zamora accused the president of attempting to bribe him in exchange for relaxing his critical editorial stance toward his administration.

The web was accessed by nearly percent of the population in 2013, and there were no reports of government restrictions on internet usage.

## **2014 Scores**

### **Press Status**

Partly Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

60

### **Legal Environment**

**(0 = best, 30 = worst)**

17

## **Political Environment**

**(0 = best, 40 = worst)**

25

## **Economic Environment**

**(0 = best, 30 = worst)**

18